

Applicant : Partridge et al.
Serial No. : 10/828,495
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Attorney's Docket No.: 21260-024001 / 254-094-CIP-4/CIP-MB

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REMARKS

Claims 1-27 are pending in the application. Claims 2-8, 10-17, 19, 20, and 22-25 are original, and claims 1, 9, 18, 21, 26, and 27 are previously presented. Claims 1-27 stand rejected.

Applicants filed an Appeal Brief on November 7, 2006, appealing the rejections made final by the Office action mailed April 6, 2006. The Office withdraws that rejection by the instant Office action mailed on March 13, 2007, but offers new grounds of rejection. In the instant Office action:

(1) Claims 1-4, 9-12, 16-18, 21-23, and 26-27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Patent No. 6,683,37 to Shim, et al. ("Shim");

(2) Claims 5-8, 13-15, 20, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shim in view of U.S. Pat. Pub. No. 2003/0016710 to Komota ("Komota"); and

(3) Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Shim in view of U.S. Pat. No. 6,803,651 to Chiang ("Chiang").

Bases for Rejections

The rejection of each claim is based on the Examiner's allegation that the first metal layer 61 of Shim is a form standard. The present Examiner's view of Shim, however, has been reversed by Primary Examiner Michael Trinh.

This application is related to Application Serial No. 10/836,855 ("the '855 Application"). Both this application and the '855 Application are continuations-in-part of U.S. patent application Ser. No. 10/453,398, filed Jun. 3, 2003, which is a continuation-in-part of U.S. patent application Ser. No. 10/005,581, filed Oct. 26, 2001, now U.S. Pat. No. 6,576,992 and continuations-in-part of PCT App. No. PCT/US03/29000, filed Sep. 15, 2003. Recently in the '855 Application, a telephone interview was held by counsel for the assignee of this application (David M. Hoffman, Reg. No. 54,174) and the present Examiner and Primary Examiner Michael Trinh. As set forth in the Interview Summary mailed February 23, 2007, the interview resulted in the Examiners' conclusion that instead of being a form standard, the combination of first metal

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layer 61, second metal layer 62, and substrate 60 are a *flexible circuit*. A copy of the Interview Summary is attached.

Each of the independent claims pending in this application recites a form standard. See claim 1 ("a first form standard"); claim 9 ("a first form standard" and "a second form standard"); claim 18 ("a form standard"); claim 21 ("a form standard"); claim 26 ("a first form standard"); and claim 27 ("a form standard"). Thus, each of the dependent claims of this application also requires a form standard. 35 U.S.C. § 112 ¶ 4. As explained above, the Examiner's allegation that first metal layer 61 of Shim is a form standard is incorrect, and has been reversed. The Examiner has not identified any structures in Komota or Chiang corresponding to the form standard required by each of the pending claims. Accordingly, withdrawal of all pending rejections is respectfully requested, followed by timely issuance of a notice of allowance of claims 1-27.

Conclusion

In view of the reasons given above, reconsideration of this application and the timely allowance of pending claims 1-27 are respectfully requested.

It is believed that this paper addresses all of the rejected claims and other matters sufficiently to support the allowance of all of the pending claims. The March 13, 2007, Office action contains a number of statements potentially reflecting characterizations of various claims, supporting descriptions, and/or patent or patent application references, but regardless of whether any such statements are addressed in this response, the Principal (as defined in 37 C.F.R. § 1.32(a)(3)) declines to automatically subscribe to any statement or characterization in the Office action. Although the Examiner's rejection of claims 1-27 has been traversed as set forth above without reference to many of such statements, all rights to dispute statements regarding such rejections later in any subsequent applications or causes of action relating to this application or any other application are expressly reserved.* Accordingly, the absence of a reply to a specific

* In particular, the Examiner's rejections of the dependent claims have not been addressed herein apart from their respective independent base claims, but all rights to dispute statements regarding such rejections later in any subsequent applications or causes of action relating to this application or any other application are expressly reserved.

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rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Nothing in this paper should be construed as conceding any issue with regard to any claim except as specifically and expressly stated in this paper, and the amendment of any claim should not be construed as conceding the unpatentability of the claim prior to amendment except as specifically and expressly stated in this paper.

The Commissioner is hereby authorized by this written request to treat this or any concurrent or future reply that requires a petition for an extension of time under 37 C.F.R. § 1.136(a) for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The Commissioner is further authorized to charge all required fees, including without limitation fees under 37 C.F.R. § 1.16 or any required extension of time fees or other fees under 37 C.F.R. § 1.17, to Deposit Account No. 06-1050, on which the undersigned is authorized to sign, and to treat such authorization to charge Deposit Account No. 06-1050 as a constructive petition for an extension of time in this or any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. § 1.136(a) for its timely submission. The Commissioner is further hereby authorized to credit any overpayment to Deposit Account No. 06-1050.

Please direct all correspondence in this application to **PTO CUSTOMER NO. 26201.**

Respectfully submitted,

Date: _____

6/13/07

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